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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ADEL HASSAN HAMAD,

Petitioner,

v.

**GEORGE W. BUSH, DONALD
RUMSFELD, JAY HOOD, and BRICE
GYURISKO,**

Respondents.

CV 05-1009 JDB

**EMERGENCY MOTION TO RENDER
ACCESS TO CLIENT MEANINGFUL
BY COMPELLING RESPONDENT TO
DISCLOSE THE SAME
INFORMATION TO LEGAL
COUNSEL THAT RESPONDENT
HAS ACQUIESCED IN DISCLOSING
TO THE PRESS AND PUBLIC**

**(EXPEDITED CONSIDERATION
REQUESTED)**

The petitioner, Adel Hassan Hamad, through his attorneys, Steven T. Wax and

Patrick J. Ehlers, respectfully moves this Court to order the government to produce the Combatant Status Review Tribunal and Administrative Review Board portions of the factual return that have previously been ordered to be produced by May 1, 2006, pursuant to the Order of the Honorable John D. Bates of December 28, 2005, by producing to counsel in Portland, Oregon, before the close of business on March 2, 2006, the non-classified portions of said documents and to file the full documents intact so that they will be available for review in the secure facility in Crystal City, Virginia, on March 3, 2006.

Counsel for Mr. Hamad have recently received security clearances and have a visit scheduled with him in Guantánamo for March 4 and 5, 2006. At this time, the only information that counsel have regarding Mr. Hamad, and the only information that the government has provided, is his name and the government's belief that he speaks a Sudanese dialect of Arabic. The personal experience of counsel based on the representation by the Office of the Federal Public Defender for the District of Oregon of four clients is that the information contained in the CSRT proceedings is of the highest importance in attempting to provide representation.

On February 23, 2006, counsel for Mr. Hamad learned that the government had decided not to file an appeal in *Associated Press v. Department of Defense*, S.D.N.Y. Case No. 05-3941, in which Judge Rakoff ordered production of substantial portions of the non-classified portions of Combatant Status Review Tribunal and Administrative Review Board Proceedings for the overwhelming majority of persons detained in Guantánamo.

Counsel for Mr. Hamad immediately contacted counsel for the government and

informally requested that it expedite production of the information for Mr. Hamad. Regrettably, the government response was that it is “not in a position to supply in the context of this litigation CSRT or ARB information for detainees beyond that already provided or that is required by the Court in your cases.” Given the government’s response, we urge the Court to order production of the return (or at the very least the same material that the government has agreed through its decision not to appeal that it will make available to the public) in time for Mr. Hamad’s counsel to review it before they visit him on March 4 and 5, 2006. It is difficult to understand how the government can agree, or at least accede to, disclosure of CSRT and ARB information to the public yet not agree to make an effort to produce the same material in this litigation in time for meaningful use by counsel for Mr. Hamad. These events and actions by the government strongly militate in favor of advancing the return date previously set.

Respectfully submitted this 24th day of February, 2008.

/s/ Steven T. Wax
Steven T. Wax
Federal Public Defender

/s/ Patrick Ehlers
Patrick Ehlers
Assistant Federal Defender